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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 11/691,528  
Applicant : Olaf Wilhelm  
Filed : October 24, 2003  
TC/A.U. : 1617  
Examiner : Abigail Manda Cotton

Docket No. : 2923-576  
Customer No. : 6449  
Confirmation No. : 7396

## DECLARATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Mr. Olivier Kapp, declare as follows:

1. The Pefabloc® - Series was sold in 1997 and 1998 only for use in research, analytical applications and purification processes as indicated on page 17 of the Pentapharm 1997 catalog and page 18 of the Pentapharm 1998 catalog.

2. In 1997 and 1998 the Pefabloc® - Series was not advertised, sold as nor intended to be sold as a pharmaceutical active ingredient.

3. The undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful

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false statements and the like so made are punishable by fine or imprisonment, or both,  
under Section 1001 of Title 18 of the United States Code and that such wilful false  
statements may jeopardize the validity of the application or any patent issuing thereon.

by



Name

Date

Olivier Kapp April 26, 2006

Title

Manager Legal Department

Company

Pentapharm Ltd., Basel, Switzerland

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